

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA

-vs-

Case No.: 08-00023-01-CR-W-DW

SALLY MILLER

USM Number: 20658-045

Robert J. Becerra, Retained

JUDGMENT IN A CRIMINAL CASE

The defendant pleaded guilty to Counts 1 and 14 of the Indictment on 6/16/09. Accordingly, the court has adjudicated that the defendant is guilty of the following offense(s):

| <u>Title & Section</u> | <u>Nature of Offense</u> | <u>Date Offense Concluded</u> | <u>Count Number(s)</u> |
|---------------------------------|----------------------------------|-------------------------------|------------------------|
| 21 U.S.C. 331(a) and 333 (a)(1) | Distribution of Adulterated Food | 11/6/2006 | 1 |
| 21 U.S.C. 331(a) and 333(a)(1) | Distribution of Misbranded Food | 11/6/2006 | 14 |

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Count(s) 2-13; 15-27 dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence: February 5, 2010

/s/John T. Maughmer
JOHN T. MAUGHMER
UNITED STATES MAGISTRATE JUDGE

February 10, 2010

PROBATION

The defendant is hereby placed on probation for a term of **3 years on each count, term to run concurrent**.

While on probation, the defendant shall not commit another federal, state or local crime.

If this judgment imposes a fine or restitution, it is a condition of supervision that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall not leave the judicial district without the permission of the court or probation officer;
2. The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall support his or her dependents and meet other family responsibilities;
5. The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. The defendant shall notify the probation officer **at least ten (10) days prior** to any change in residence or employment;
7. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
10. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
11. The defendant shall notify the probation officer within **seventy-two (72) hours** of being arrested or questioned by a law enforcement officer;
12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

SPECIAL CONDITIONS OF PROBATION

The defendant shall also comply with the following special conditions of probation:

1. The defendant shall pay any fine balance during the first **30 months** of supervision on the schedule set by the Court.
2. The defendant shall not incur new credit card charges or open additional lines of credit without the approval of the Probation Office.
3. The defendant shall submit his/her person, residence, office or vehicle to a search, conducted by a U.S. Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
4. While on probation, the defendant is not to be employed in any capacity in which she is working as an ingredient broker for any pet food products. This includes prohibition from facilitating the importation of, and sales of such pet food ingredients.
5. With respect to continuing in the current business, EOS Direct, Inc., or any other business, while on probation/supervision, you must comply with the Federal Drug Administration recommended import best practices guidance. The Court further requires the defendant to submit a plan of compliance as to how defendant will comply with those recommended practices to the FDA Office of Criminal Investigation.
6. The defendant shall allow the probation office or FDA Office of Criminal Investigation to visit and inspect, at a reasonable time, any business operated by defendant while on probation/supervision.

ACKNOWLEDGMENT OF CONDITIONS

I have read or have had read to me the conditions of supervision set forth in this judgment and I fully understand them. I have been provided a copy of them.

I understand that upon finding of a violation of probation or supervised release, the Court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

Defendant

Date

United States Probation Officer

Date

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments set forth in the Schedule of Payments.

| <u>Total Assessment</u> | <u>Total Fine</u> | <u>*Total Restitution</u> |
|-------------------------|-------------------|---------------------------|
| \$50.00 | \$5,000.00 | \$ |

You are hereby ordered to begin payment immediately and continue to make payments to the best of your ability until this obligation is satisfied. You shall adhere to a payment schedule as determined by the Probation Office.

The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

Note: Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

Lump sum payment of **\$5,050.00** due immediately.

If unable to pay the full amount immediately, the defendant shall make monthly payments of \$100 or 10 percent of gross income, whichever is greater, while on supervision. If incarcerated, the defendant shall make payments of at least 10 percent of earnings.

While monetary penalties are still owed, the defendant shall notify the United States Attorney of any change of residence within 30 days and notify the Court and United States Attorney when there is a material change in the defendant's economic circumstances.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.